

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 19520, 19522, 19528,
19529, 19620, 19623, 19939, 19943**

(Jointly Administered)

**THIRD URGENT OMNIBUS CONSENTED MOTION FOR EXTENSION OF
DEADLINES**

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Commonwealth”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consented motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), extending the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

deadlines set forth in the *Order Granting Second Urgent Omnibus Consented Motion for Extension of Deadlines* [ECF No. 19943] (the “Scheduling Order”).²

Request for Relief

1. On December 15, 2021, NTT DATA EAS, INC. (“NTT DATA”) filed a *Verified Motion of NTT DATA EAS, INC. for Allowance of Administrative Expense Claim* [ECF No. 19520] (the “NTT EAS Motion”), requesting that the Court enter an order “determining that NTT Data’s claim be considered an administrative expense of Debtor, entitled to administrative priority pursuant to Section 503 and Section 507 of the Code”. See, *NTT EAS Motion* at p. 7.

2. On the same date, NTT DATA State Health Consulting, LLC (“NTT Health” and with NTT EAS, the “Movants”) filed a *Verified Motion of NTT DATA State Health Consulting, LLC for Allowance of Administrative Expense Claim* [ECF No. 19522] (the “NTT Health Motion” and with the NTT EAS Motion, the “Motions”), requesting that the Court enter an order “determining that NTT [Health’s] claim be considered an administrative expense of Debtor, entitled to administrative priority pursuant to Section 503 and Section 507 of the Code”. See, *NTT Health Motion* at p. 7.

3. On January 28, 2022, the Court entered the Scheduling Order, which provides that oppositions to the Motions were to be filed by February 28, 2022, and Movants’ replies by March 7, 2022.

4. Since then, the Commonwealth has continued working diligently to gather the necessary information in order to properly assess the Motions and appropriately respond to the same. Nevertheless, the Commonwealth requires additional time to gather information and draft

² The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

its response. The Commonwealth reached out to Movants' counsel who has consented to the requested extension.

5. Accordingly, the Commonwealth, with Movants' consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline for the Commonwealth to separately respond to the Motions shall be extended to **Monday, March 21, 2022**.
- The deadline for Movants to file replies to the respective oppositions to the Motions, if any, shall be extended to **Thursday, March 31, 2022**.
- Although the deadlines to respond to the Motions and to file replies to the respective oppositions, if any, will fall on the same dates, such pleadings may be addressed separately.
- The Court will thereafter take the Motions on submission, unless the Court determines that a hearing is necessary.

6. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the "Case Management Procedures"), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

7. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for

the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title III cases; and (i) Movants. A copy of the motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

8. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

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Dated: February 28, 2022
San Juan, Puerto Rico

Respectfully submitted,

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Exhibit A

Proposed Order